

Gates (Sub)

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The Gates Hearings

THE TWO DAYS of public hearings on Robert Gates' nomination as director of central intelligence inevitably centered on the Iran-contra affair. Not only was he William Casey's deputy during much of the period. The question of what lessons he takes from this shattering episode bears intimately on how he conceives of the director's role. The Senate Intelligence Committee was right to press the point.

There was, however, a certain embarrassed quality to the committee's pursuit. The fact is that congressional oversight of various covert activities conducted by the CIA and by the president's National Security Council staff was a joke. The intelligence committees were kept in the dark, notwithstanding provisions of law and official pledges, and they didn't catch on until they were told. This affair is commonly seen as a scandal of the executive branch, but on another level it is a humiliation of Congress, which, awakening to find one horse stolen, is now trying to find ways to keep the next horse in.

Mr. Gates had his own problems in this week's hearings. He was the No. 2 but, it seems, the No. 1 did not always keep him fully informed, and Mr. Gates did not always press vigorously to inform himself. By his own admission, he was not especially alert to early signs of the diversion of funds from Iran. His testimony revealed him as a professional bureaucrat who knew and accepted,

perhaps a bit nervously, that he was not a political insider. Washington's two worlds were out of phase, and he was left in the dilemma he is in now. He could scarcely be expected to embarrass the president who nominated him. Yet to be confirmed he must meet the concerns of an aroused Senate dominated by Democrats. No wonder he seemed preoccupied with footwork and eager to be judged by his intentions from this point forward.

The Senate has a specific judgment to make on the suitability of Mr. Gates; it will be folding into it the coming report of the Tower Commission. But Congress has already made a broad judgment on the more extended issue of the suitability of the laws and procedures regulating intelligence cooperation between the two branches. That judgment is that the Reagan administration, including Mr. Casey, bent and possibly broke these rules, and not for the first time.

The customary congressional remedy is to tighten up the rules for the sake of accountability, even as the executive demands to maintain flexibility and offers assurances of good behavior. Sen. David Boren, chairman of the intelligence committee, warns on the opposite page, however, that the making of new rules is not itself enough. The terms on which the Senate disposes of the Gates nomination will be a telling sign of how the 100th Congress means to address this grinding tension.